IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1178 OF 2006
IN
CRIMINAL APPEAL NO. 1114 OF 2006

Gangasingh Hirasingh Rathod ..Appellant
V/s
The State of Maharashtra ..Respondent.

Mr. Naveen Chomal for the applicant.

Mr. A.S. Shitole, A.P.P. for the State.

CORAM : J.H. BHATIA, J.

DATE : 9TH JANUARY, 2007.

P.C.

. Heard Mr. Naveen Chomal, the learned Counsel for the applicant, who is original accused No.2 and Mr. A.S. Shitole, the learned A.P.P. for the State The applicant was convicted in Sessions Case No. 192/1999 by the Sessions Court of Greater Bombay for the offences punishable under Section 452 r/w section 34 of Indian Penal Code and was sentenced to undergo R.I.for 5 years and to pay fine of Rs. 5,000/-, in default of payment of fine to suffer R.I. for 6 months. He was also

convicted for the offence punishable under Section 395 r/w section 398 of IPC and was sentenced to undergo R.I. for 7 years on each count and to pay fine of Rs. 5000/- for the offence punishable under Section 395 of IPC, in default of payment of fine to suffer further R.I. for 6 months.

2. The incident occurred on 13/11/1998. The applicant was allegedly caught on the spot with other culprits while entering into the building with intention to commit dacoity. The applicant was on bail during the trial and there is no allegations of misuse of bail during the trial. The learned A.P.P. confirms that there is no other criminal antecedents of the applicant as per the instructions given by Mr. S.B. Kilje, the investigating officer. In view of these circumstances, pending final hearing and disposal of Criminal Appeal No. 1114/2006, the applicant be released on bail on same terms and conditions, as before the trial Court subject to payment of fine amount.

(J.H. BHATIA, J.)